

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

IN RE PHARMACEUTICAL INDUSTRY
AVERAGE WHOLESale PRICE
LITIGATION

)
) MDL NO. 1456
) Civil Action No. 01-12257-PBS
) Subcategory No. 07-12141

THIS DOCUMENT RELATES TO:

)
) Judge Patti B. Saris

State of Iowa

v.

Abbott Laboratories Inc., et al.

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)
)
)
)

DECEMBER 2011 STATUS REPORT FOR THE STATE OF IOWA

The undersigned counsel for the State of Iowa (hereinafter referred to as “plaintiff”) hereby submits the attached Status Report for December 2011, in accordance with the Court’s June 17, 2004 Procedural Order.

Dated: December 1, 2011

Respectfully submitted,

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By: /s/ Joanne M. Cicala

Joanne M. Cicala

Counsel for the State of Iowa

December 2011 Status Report for the State of Iowa

Voluntary Dismissal of Claims

On April 14, 2011, plaintiff filed a notice of voluntary dismissal of claims against defendant Tap Pharm. Products, Inc. n.k.a. Takeda Pharm. N.A., Inc. *See* Docket No. 7502, Sub-docket No. 112. This notice remains *sub judice*.

On April 15, 2011, plaintiff filed a notice of voluntary dismissal with prejudice of claims against defendant Novartis Pharmaceuticals Corp. *See* Docket No. 7505, Sub-docket No. 113. This notice remains *sub judice*.

On April 20, 2011, plaintiff filed a notice of voluntary dismissal of claims against defendants Hoffman-La Roche, Inc. and Roche Laboratories, Inc. *See* Docket No. 7509, Sub-docket No. 115. This notice remains *sub judice*.

On September 28, 2011, plaintiff filed a notice of voluntary dismissal of claims against defendant Eli Lilly and Company and a notice of voluntary dismissal of claims against defendant Endo Pharmaceuticals, Inc. *See* Docket No. 7815, Sub-docket 131; Docket No. 7816, Sub-docket 132. These notices remain *sub judice*.

On November 18, 2011, plaintiff filed a notice of voluntary dismissal with prejudice of claims against defendants Merck & Co., Inc. (f/k/a Schering-Plough Corporation), Schering Corporation, and Warrick Pharmaceuticals Corporation. *See* Docket No. 7922, Sub-docket 140. This notice remains *sub judice*.

On November 22, 2011, plaintiff filed a notice of voluntary dismissal of claims with prejudice against defendant Merck, Sharp & Dohme Corp. (f/k/a Merck & Co., Inc.). *See* Docket No. 7931, Sub-docket 141. This notice remains *sub judice*.

Settlement Order of Dismissal

On October 6, 2011, the court entered plaintiff and defendants' joint motion to extend the

settlement order of dismissal as to Alpharma Inc., Purepac Pharmaceutical Co., King Pharmaceuticals Inc., King Research and Development, Monarch Pharmaceuticals Inc., Merck & Co. Inc., Par Pharmaceutical Companies, Inc., Par Pharmaceutical Inc., Schering-Plough Corp., Schering Corporation, and Warrick Pharmaceuticals Corporation. The order provides that claims against these defendants shall be dismissed without costs and without prejudice to the right of any party, upon good cause shown, to reopen the action by December 5, 2011 if settlement is not consummated. *See* the Court's October 6, 2011 Electronic Order granting Docket No. 7828, Sub-docket No. 135.

On November 1, 2011, the Court entered plaintiff and defendant Sandoz, Inc.'s joint proposed settlement order of dismissal of claims against defendant Sandoz, Inc. The order provides that claims against this defendant shall be dismissed without cost and without prejudice of any party, upon good cause shown, to reopen the action within one hundred and twenty (120) days if settlement is not consummated. *See* Docket No. 7872, Sub-docket No. 138.

CERTIFICATE OF SERVICE

The undersigned, an attorney, hereby certifies that on the 1st day of December, 2011, she caused a true and correct copy of the above December 2011 Status Report for the State of Iowa to be delivered to counsel of record for defendants by electronic service pursuant to Case Management Order No. 2 entered by the Honorable Patti B. Saris in MDL No. 1456.

Dated: December 1, 2011

/s/ Kathryn B. Allen
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